

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK F. FAGAL, JR.,

Plaintiff,

v.

MARYWOOD UNIVERSITY,

Defendant.

CIVIL ACTION NO.:

3:14-cv-02404-ARC

**DEFENDANT'S TABLE OF EXHIBITS IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

EXHIBIT	DESCRIPTION
A	Plaintiff's January 15, 2015 Amended Complaint (ECF No. 7) ¹
B	Excerpts from June 2, 2016 deposition of Sister Anne Munley
C	February 9, 2012 e-mail from Frances D. Ferrese to Plaintiff attaching correspondence from Sister Anne Munley, recommending Plaintiff's termination (DEF000206-DEF000226)
D	Excerpts from June 7, 2016 deposition of Plaintiff, Frederick Fagal, Jr.
E	January 24, 2012 e-mail from Frances D. Ferrese to Plaintiff attaching correspondence from Sister Anne Munley, recommending Plaintiff's termination (DEF000165-DEF000187)
F	Civil Rights Complaint Procedure from Marywood University's Faculty Handbook as of July 1, 2010
G	Marywood University's Progressive Discipline Policy as of October 12, 2011 (DEF000249-DEF000251) and Faculty Grievance and Appeals Policy as of April 29, 2011 (DEF000252-DEF000257).
H	Excerpts from September 6, 2016 deposition of Alan Levine

¹ Defendant notes that it inadvertently attached Plaintiff's December 17, 2014 Complaint (ECF No. 1) as Exhibit A to its Motion for Summary Judgment. Exhibit A has since been corrected to reflect Plaintiff's Amended Complaint.

I	January 13, 2012 e-mail from Plaintiff to Marywood University Faculty Colleagues and students regarding poster tear down and YouTube videos, with attachments (DEF001443-DEF001491).
J	Screenshots of Plaintiff's YouTube videos titled "Hitler Parody Marywood Free Speech Posters Torn Down Part 1 of 2.wmv" and "Hitler Parody Marywood Free Speech Posters Torn Down Part 2 of 2.wmv" (DEF000067-DEF000142).
K	Excerpts from February 26, 2016 deposition of Michael A. Foley
L	January 15, 2012 e-mail exchange between Plaintiff and Lindsay Groves regarding Plaintiff's January 13, 2012 e-mail to Marywood faculty and students with YouTube video links
M	January 3, 2012 e-mail exchange between Plaintiff and Rod Carveth regarding Plaintiff's proposed e-mail to Marywood faculty and students with YouTube video links
N	Excerpts from August 11, 2016 deposition of Patricia Dunleavy
O	Excerpts from June 28, 2016 deposition of Erin Ann Sadlack
P	March 19, 2012 e-mail exchange between Plaintiff, Dr. Erin Sadlack, Dr. William Conlogue, and Dr. Patricia Sullivan Arter acknowledging Faculty Grievance Committee's receipt of Plaintiff's official grievance (DEF000272-DEF000273)
Q	March 26, 2012 letter from Dr. Erin Sadlack to Plaintiff stating that no evidence of improper action was found by the Faculty Grievance Committee upon review of Plaintiff's grievance (DEF000276)
R	March 29, 2016 e-mail and letter from Plaintiff to Sister Anne Munley regarding Faculty Grievance Committee's decision and request for review by Ad Hoc Committee (DEF000297-DEF000298)
S	April 3, 2016 letter from Sister Anne Munley to Plaintiff granting Plaintiff's request for ad hoc committee to review her decision to suspend and terminate Plaintiff's employment and tenure (DEF000302)
T	Excerpts from September 29, 2016 deposition of Helen Bittel
U	Excerpts from June 28, 2016 deposition of Edward O'Brien
V	Excerpts from June 28, 2016 deposition of Mathew Povse
W	July 2, 2012 Faculty Senate Ad Hoc Committee Findings (DEF000412-DEF000415)
X	July 13, 2012 letter from Sister Anne Munley to Plaintiff stating decision to terminate Plaintiff's employment and tenure effective April 3, 2012 stands

Y	Defendant's Expert Report: November 18, 2016 assessment of Plaintiff's alleged economic loss conducted by The Center for Forensic Economic Studies
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Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Stephanie Peet

Stephanie J. Peet (PA ID: 91744)

Asima J. Ahmad (PA ID: 316001)

Three Parkway

1601 Cherry Street, Suite 1350

Philadelphia, PA 19102-1317

T: (267) 319-7802

F: (215) 399-2249

stephanie.peet@jacksonlewis.com

asima.ahmad@jacksonlewis.com

Dated: December 27, 2016

ATTORNEYS FOR DEFENDANTS

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of **Defendant's Table of Exhibits in Support of its Motion for Summary Judgment**, filed through the Court's ECF system, will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be mailed to those identified as non-registered participants via U.S. First Class Mail, postage prepaid on this 27th day of December, 2016.

Respectfully submitted,

/s/ Stephanie J. Peet

Stephanie J. Peet (PA ID: 91744)

Asima J. Ahmad (PA ID: 316001)

Jackson Lewis P.C.

Three Parkway

1601 Cherry Street, Suite 1350

Philadelphia, PA 19102

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F: (215) 399-2249

stephanie.peet@jacksonlewis.com

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